

REMARKS

Claims 1-4 are pending. Claim 1 has been amended. Support for this amendment is found throughout the Specification, in particular, on page 5, line, 19. No new matter is added.

Rejection of Claim 1 under 35 U.S.C. § 102(a)

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by Williams *et al.* The Examiner states that Williams *et al.* discloses a neutral, water-soluble (1-3)- β -D-glucan preparation, which is immunologically active.

William *et al.* teach glucan sulfate. The glucan described in the Williams *et al.* reference is a derivatized β -1,3 glucan prepared by sulfation of a glucan polymer (See page 248, last paragraph). For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Applicants have amended Claim 1 to recite an underderivatized, β -1,3 glucan. The Williams *et al.* reference does not teach an underderivatized glucan. Thus, amended Claim 1 is not anticipated by the Williams *et al.* reference. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection of Claim 1 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 5,622,939.

Applicants note this rejection and will file a terminal disclaimer upon indication that the only remaining rejections are the Double Patenting rejections.

Rejection of Claim 1 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7, 21-30 of U.S. Patent No. 5,817,643.

Applicants note this rejection and will file a terminal disclaimer upon indication that the only remaining rejections are the Double Patenting rejections.

Rejection of Claims 2-4 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 2-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No.: 5,622,939.

Applicants note this rejection and will file a terminal disclaimer upon indication that the only remaining rejections are the Double Patenting rejections.

Rejection of Claims 2-4 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 2-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7, 21-30 of US. Patent No. 5,817,643.

Applicants note this rejection and will file a terminal disclaimer upon indication that the only remaining rejections are the Double Patenting rejections.

CONCLUSION

In summary, it is concluded that the art cited by the Examiner does not anticipate Applicants' claimed invention. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call Alice O. Carroll, Esq. or the undersigned at (978) 341-0036.

Respectfully submitted,

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